

EXHIBIT C

Charu Desai vs
UMASS Memorial Medical Center, Inc., et al.

Max P. Rosen, M.D.
May 07, 2021

158

1 thoracic radiologist. So you could argue that the
2 appropriate comparison would've been against a board
3 certified thoracic or -- or fellowship trained,
4 rather, there's no board -- a fellowship-trained
5 thoracic radiologist.

6 Q. So, you pulled, or had pulled, 25 random
7 chest CTs of Dr. Desai's and 25 chest CTs dictated by
8 other attendings.

9 what did you do with them, then?

10 A. I asked that they were loaded into a system
11 called LifeImage, which is a -- a cloud-based image
12 sharing system. And also had the reports
13 de-identified, so there was no patient name, medical
14 record number and no indication of who the radiologist
15 was who read it. And the file room team identified --
16 matched each study, each image, with the report by a
17 number, 001, 002, 003, so the reports could be linked
18 with the images.

19 Q. Then what?

20 A. So I, then, identified a thoracic radiologist
21 who was willing to review these studies, and the
22 instructions that I gave them was that I had 50 chest
23 CTs with de-identified reports that I would like them
24 to review. I did not tell them how many were from one

Charu Desai vs
UMASS Memorial Medical Center, Inc., et al.

Max P. Rosen, M.D.
May 07, 2021

159

1 person versus the comparative group or anything else.

2 It was 50 chest CTs to be read.

3 And I asked the person to report whether they
4 agreed or disagreed with the interpretation. If they
5 disagreed with the interpretation, whether it was a --
6 in their opinion, a minor disagreement or a major
7 disagreement, and whether or not that agree -- whether
8 or not that disagreement would have an impact on
9 patient care, in their opinion.

10 Q. Do you recall who you identified as the
11 radiologist to do this review?

12 A. Yes.

13 Q. Who was that?

14 A. Dr. Litmanovich.

15 Q. How did you identify her?

16 A. She has a reputation of being a good thoracic
17 radiologist and that she is somebody who I worked in
18 the same department with years ago. And so I knew
19 that she was, you know, well-respected, competent,
20 and, if she agreed to do something, that she would,
21 you know, carry through on the project.

22 Q. Where was it that you worked together?

23 A. Beth Israel Deaconess.

24 MR. WAKEFIELD: Let's go off the record

Charu Desai vs
UMASS Memorial Medical Center, Inc., et al.

Max P. Rosen, M.D.
May 07, 2021

160

1 for a sec.

2 (Off the record at 3:44 p.m.)

3 (Recess taken.)

4 (Back on the record at 3:53 p.m.)

5 MS. WASHIENKO: Back on the record.

6 BY MS. WASHIENKO:

7 Q. Dr. Rosen, I would love to draw your
8 attention back to Exhibit Number 9 which, with luck,
9 you would be able to access by hitting the back button
10 and finding the document identified as Exhibit 9.

11 A. (Deponent viewing exhibit.) Okay.

12 Q. And --

13 A. (Deponent viewing exhibit.) Just so I know
14 that this is the Defendant Max Rosen's answer to
15 plaintiff's first set of interrogatories?

16 Q. Correct.

17 A. Okay.

18 Q. Yes.

19 And I'll direct your attention to Page 5,
20 and, in particular, Interrogatory Number 11 and your
21 response. And I'll just ask you to take a look at
22 that.

23 A. (Deponent viewing exhibit.) Okay.

24 Q. In your answer, you state that you held a

Charu Desai vs
UMASS Memorial Medical Center, Inc., et al.

Max P. Rosen, M.D.
May 07, 2021

161

1 meeting with Dr. Robinson on January 31, 2017, which
2 included, among other topics, a discussion of her
3 concerns about the quality of Dr. Desai's reads.

4 Do you recall that meeting?

5 A. Yes.

6 Q. Do you recall what the other topics of
7 discussion were?

8 A. Not specifically.

9 Q. Concerns about other radiologists' readings?

10 A. Again, not specifically, but...

11 Q. Was anyone else present at that meeting, to
12 the best of your memory, Dr. Rosen?

13 A. I'm sure there were. I don't remember
14 exactly who else was there. I don't ever remember
15 meeting one-on-one with Dr. Robinson. It was always
16 in the context of other people at Marlborough Hospital
17 and her.

18 Q. All right. It's not actually a trick
19 question.

20 Is there anything that might refresh your
21 recollection about who might also have been there?

22 A. If you have minutes for the meeting.

23 Q. And I suppose you do not have access to your
24 calendar back to 2017?

Charu Desai vs
UMASS Memorial Medical Center, Inc., et al.

Max P. Rosen, M.D.
May 07, 2021

162

1 A. Correct.

2 Q. Do you have any memory where the meeting took
3 place, Dr. Rosen?

4 A. I think the only place I've ever met with
5 Dr. Robinson was at Marlborough Hospital.

6 (Exhibit 27 marked for identification.)

7 BY MS. WASHIENKO:

8 Q. All right. Now, let's jump to -- is this 26
9 -- a document that I, with luck, have marked as
10 Exhibit 27 and have just distributed.

11 A. (Deponent viewing exhibit.) Okay.

12 Q. Let me know when you've had a chance to
13 review that, Dr. Rosen.

14 A. (Deponent viewing exhibit.) Okay.

15 MS. WASHIENKO: For the record, this
16 document is identified as UMM-00707 through -708.

17 BY MS. WASHIENKO:

18 Q. Dr. Rosen, can you identify this document for
19 us?

20 A. (Deponent viewing exhibit.) It is an e-mail
21 that I sent, on February 8th, with my minutes from
22 meeting at Marlborough Hospital that took place on
23 January 31st, 2017.

24 Q. Who is Joseph Tennyson?

Charu Desai vs
UMASS Memorial Medical Center, Inc., et al.

Max P. Rosen, M.D.
May 07, 2021

163

1 A. I think he's a physician at Marlborough, but
2 he might be an ED doc there, but I'm not a hundred
3 percent sure.

4 Q. So does this document refresh your
5 recollection as to who was at a meeting on
6 January 31st, 2017?

7 A. Yes.

8 Q. And that will have included you, Dr. Bren --
9 Dr. Brennan, Dr. Tennyson and Dr. Robinson, as well as
10 Mr. Roach and Mr. Brown, correct?

11 A. Correct.

12 Q. Was -- so I note, from the minutes that you
13 forwarded, that you memorialized actions taken to
14 address concerns about turnaround time and
15 accessibility, that's Bullet Point 1 --

16 A. (Deponent viewing exhibit.) Mm-hmm.

17 Q. -- that in Paragraph 2 you note that
18 Dr. Schmidlin has a home workstation.

19 why did he have a home workstation?

20 A. So, I think at this time, Dr. Schmidlin was
21 no longer working full-time at UMass, although I don't
22 know the exact date that he -- or offhand, I don't
23 know the exact date that he transitioned from working
24 full-time at UMass to working at the Brigham. But,